

Notice of Allowability

Application No.

10/779,354

Examiner

David A. Reifsnyder

Applicant(s)

BUSH, AARON

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 9/27/06 and Examiner Interview of 3/9/07.
2. ☒ The allowed claim(s) is/are 15-28 (renumbered 1-14, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT/COMMENT

EXAMINER'S COMMENT on the Drawings

The drawings filed on July 23, 2004 are objected to for being clearly informal. In response to this office action and In order to avoid abandonment of the application, **Formal Drawings are Required.**

EXAMINER'S COMMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with JoAnne M. Denison on March 9, 2007. During that interview the 35 USC 112 2nd paragraph problems with claims 1-12 and 14 was discussed. The applicant's representative JoAnne M. Denison agreed to let the Examiner correct claims 1-12 and 14 by Examiner's Amendment. The Examiner has decided that the easiest way to correct the claims is to delete claims 1-12 and 14 and add new claims 15-28 which include the corrections discussed in the telephone interview.

The application has been amended as follows:

In The Claims

Claims 1-12 and 14 have been deleted.

Claim 15 (new) A device for establishing and maintaining a static magnetic null field in a substantially fixed relationship to a quantity of cellular material comprising:

a holder having a first arm and a second arm;

means for adjusting the relative distance between the first arm and the second arm;

attachment means for affixing a magnet to each of the arms in the holder in a manner so that a magnetic null field is formed in an area between the magnets; and

wherein each of the arms has an attached magnet of predetermined magnetic strength.

Claim 16 (new) The device of claim 15 wherein each magnet affixed to each arm has a magnetic strength of between about 300 Gauss and about 1,000 Gauss.

Claim 17 (new). The device of claim 15 wherein each magnet affixed to each arm has a magnetic strength of about 500 Gauss.

Claim 18 (new). The device of claim 15 wherein each magnet affixed to each arm has a magnetic strength of about 750 Gauss.

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Claim 19 (new) A device for establishing and maintaining a static magnetic null field in a substantially fixed relationship to a quantity of cellular material comprising:

at least a first arm and a second arm, the first arm and second arm being joined by a flexible hinge; each arm having flexion means located approximately medially along each arm;

attachment means for affixing a magnet to each arm; and

wherein each of the arms has an attached magnet of predetermined magnetic strength.

Claim 20 (new). The device of claim 19 wherein each magnet affixed to each arm has a magnetic strength of about 500 Gauss.

Claim 21 (new). The device of claim 19 wherein each magnet affixed to each arm has a magnetic strength of about 750 Gauss.

Claim 22 (new) A sample holder for maintaining a static magnetic null field in a substantially fixed relationship to a quantity of cellular material comprising:

four walls each wall having an exterior surface, the four walls defining a box with two pairs of two opposing walls and an opening sized to allow a specimen holder to fit in the box;

attachment means for affixing a magnet to the exterior surface of each of the two opposing walls of one of the pairs of two opposing walls;

each exterior surface of the two opposing walls of one of the pairs of opposing walls having affixed to it a magnet of predetermined magnetic strength; and

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a specimen holder capable of retaining a quantity of cellular material is fitted into the box through the opening.

Claim 23. (new). The device of claim 22 wherein each of the four walls is formed from polyvinylchloride plastic.

Claim 24 (new). The sample holder of claim 22 wherein each magnet affixed to each exterior surface of the two opposing walls of one of the pairs of opposing walls has a magnetic strength of between about 300 Gauss to about 1,000 Gauss.

Claim 25 (new). The sample holder of claim 22 wherein each magnet affixed to each exterior surface of the two opposing walls of one of the pairs of opposing walls has a magnetic strength of about 500 Gauss.

Claim 26 (new) The sample holder of claim 22 wherein said specimen holder has a capacity for holding approximately 20 cc's of liquid.

Claim 27 (new). The sample holder of claim 22 wherein the specimen holder is formed from glass.

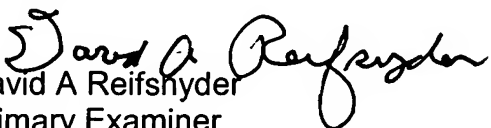
Claim 28 (new). The sample holder of claim 22 wherein each magnet affixed to each exterior surface of the two opposing walls has a height; the specimen holder holds a quantity of cellular material which has a height; and the height of each magnet affixed to each exterior surface of the two opposing walls is approximately the same as the height of the quantity of cellular material in the specimen holder.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Reifshyde whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David A Reifshyde
Primary Examiner
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DAR